THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14151 of 1996

Dated:12.12.2006

Between
Nakkala Rosaiah

.....Petitioner

and

1.Assistant General Manager
Region IV Zonal Office,
State Bank of India,
Tirupati and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14151 of 1996

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in issuing Memorandum No.DPC/IV/024 dated 16.5.1995 issued by the 1st respondent-Zonal Office, State Bank of India, Tirupati as arbitrary and illegal.

Under the impugned memo, the petitioner was asked to explain as to why he should not be imposed with the punishment of dismissal from service as per paragraph 521 (2) (b) and 521 (5) (a) of the Sastry Award read with paragraph 18.28 of the Desai Award and also as per the provisions contained in Section 10 (1) (b) (i) of the Banking Regulation Act, 1949.

It appears that the petitioner faced the departmental enquiry for certain misconduct alleged to have committed by him and thereafter, the

impugned notice dated 16.5.1996 has been issued asking the petitioner as to why he should not be imposed with the punishment of dismissal from service. This is only a show cause notice and not final order. Against a show cause notice, no interference can be made under Article 226 of the Constitution of India, unless and until the same is issued without any authority. Even otherwise, the cause in the writ petition does not survive for adjudication as of now.

Writ petition is dismissed accordingly. No costs.

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12-12-2006

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